

*Exhibit 3*

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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE DISTRICT OF NEVADA  
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11 ESTATE OF NEKIYLO DWAYNE Case No.: 2:20-cv-02359-JAD-DJA  
12 GRAVES, by and through Eureka Graves as next-of-kin, personal representative and  
13 appointed Special Administrator  
14 SHANNON L. EVANS; EUREKA GRAVES, an individual,

15 Plaintiffs,

16 vs.

17 NYE COUNTY, NEVADA; JOHN  
18 KAKAVULIAS, an individual and  
19 employee of Nye County, Nevada; SOC  
20 NEVADA, LLC, a foreign limited liability  
company d/b/a SOC, LLC; TREQUIS  
HARRIS, an individual and employee of  
SOC Nevada, LLC; DOES I - X; ROES I -  
X,

21 Defendants.

22 /

23  
24 NEVADA DIVISION OF INVESTIGATIONS

25  
26 RECORDED INTERVIEW OF  
27 RACHELLE McDONALD  
28

\* \* \*

1 BY DET. MATT WEHN:

2 Q. This is Detective Matt Wehn with the Nevada Division of  
3 Investigations conducting an in-person audio recorded interview with Rachelle  
4 McDonald. The interview is being conducted at the SOC security building, Building  
5 1000, in an office. Also, present for the interview is NDI Detective Wendy Remmers.

6 And, so, Rachelle, we were told that you may have witnessed an incident  
7 that happened out here, or part of an incident that happened out here on January 28<sup>th</sup>. Is  
8 that accurate?

9 A. Yes, it is.

10 Q. Do you work out here?

11 A. Yes, I work out here.

12 Q. Okay.

13 A. Yeah.

14 Q. I don't even know if there's anything security-wise, but, have you  
15 worked out here for a while?

16 A. I've been out here sixteen years, come next month.

17 Q. Wow.

18 A. Sixteen years, I've been out here.

19 Q. So, you've been driving out here every day?

20 A. I used to take the buses, and then we car pool now.

21 Q. Oh, there's buses?

22 A. Yeah. There's buses where you park your vehicle and ...

23 Q. Oh, park and ride kind of thing?

24 A. Yeah, uh huh.

25 Q. Okay. So, were you working on the 28<sup>th</sup>?

26 A. Yes. We were finishing for the day and we were coming from the  
27 [inaudible] area.

28 Q. The what area?

1 A. It's like when you go past over the hill ...

2 Q. Okay.

3 A. ... and we were coming back down the main highway. We were  
4 coming back down Mercury Highway.

5 Q. Okay. And, does – do you usually — What's your hours of work,  
6 usually?

7 A. Usually it's 7:00 to 5:30, but we were out here working a special  
8 project out at Area 12.

9 Q. Okay.

10 A. And, so we were leaving for the end of the day.

11 Q. Do you remember about what time it was that you left?

12 A. It was about to get dark, so it was like by the time we got to that  
13 point, it was probably like a little bit after 5:00, like 10 ... about 15 after 5:00, so when it  
14 was about to get like dusk. It wasn't completely dark yet.

15 Q. Okay. And you said you car pool now?

16 A. Yes. But I was in the car by myself that day.

17 Q. Okay. Okay. So you were alone that day?

18 A. Yes.

19 Q. So, as you're driving, it would be south towards the gate, then, right?

20 A. Yes.

21 Q. What did you see happen?

22 A. When – we saw lights. Well, I saw the lights from a distance. You  
23 could see the lights, so I was thinking someone had an accident. So, as we got closer, we  
24 couldn't get, you know, the road is blocked and then there was this guy, his hair's all  
25 disheveled and he's walking towards the Nye County and the security officers. They  
26 were already out of their vehicles by the time we – we kind of like – they didn't have time  
27 to block the road, so we went like right into it.

28 ///

1 Q. Okay. So you're saying you saw lights? Were those emergency  
2 police lights, or ...

3 A. Police lights from the security, you know, from Nye County lights ...

4 Q. Red and blues?

5 A. Yeah, red and blue lights, yeah.

6 Q. Okay. And, how far away do you think you were when you saw  
7 those?

8 A. I was quite a distance when I saw the lights, because you could see it  
9 from a distance.

10 Q. Okay.

11 A. So, a couple miles, about two miles, I guess. About two, three miles.

12 Q. Okay. And, then, you continued to drive forward?

13 A. Right.

14 Q. And, then, at some point did you stop?

15 A. Yes. We stopped because we couldn't go any further, because they  
16 had the road blocked.

17 Q. Okay. And, then, when you got up to where you stopped, what did  
18 you see?

19 A. I seen a gentleman walking towards the security and Nye County,  
20 and they were telling him to stop.

21 Q. Could you hear that?

22 A. I could hear them through the window.

23 Q. Okay.

24 A. They were telling him to stop, and he didn't stop, and he kept  
25 walking towards them, and then they shot him

26 Q. Okay. Did you see – Did he have a car?

27 A. He had a car. It was on the opposite side of where, you know – on  
28 the opposite side of the road. No headlights were on it, and he was out of the car by the

1 time I pulled up to the – what was going on.

2 Q. You said he looked disheveled, his hair?

3 A. His hair was all over his head. It was a little messy.

4 Q. Did you see his face at all?

5 A. No. I never saw his face, just saw his back walking towards the  
6 guards.

7 Q. Okay. And, as he walked towards the guards – walked toward the  
8 emergency lights, you said you heard yelling?

9 A. Uh huh.

10 Q. What kind of things did you hear?

11 A. I heard them telling him to stop.

12 Q. Anything else?

13 A. No. Just *stop. You need to stop, sir. Stop.* And he didn't stop.

14 Q. Was it constant, or ...

15 A. They kept telling him to stop and he kept walking towards them.

16 Q. Okay. But, they talked to him ...

17 A. Right. They constantly were telling him to stop, and he kept walking  
18 towards them.

19 Q. So, as he's – when you arrive, or where you stopped, how – where  
20 were you in relation to that car of his?

21 A. I was not that far.

22 Q. Was it like, if we just take a piece of paper, it's just – This is my first  
23 time out here, so I apologize ...

24 A. I'm not good on feet ...

25 Q. No, no. So, if this is just – I mean this is just a two-lane highway,  
26 right?

27 A. Right. A two-lane highway.

28 Q. Right? So, if you're going – So, if this is north, right?

1 A. Uh huh.

2 Q. This way – You would've been going this way?

3 A. Right.

4 Q. So, his car was on the side of the road, middle of the road?

5 A. It was like right here.

6 Q. Okay.

7 A. It was right in ...

8 Q. Just stopped in the lane?

9 A. Just stopped in the lane.

10 Q. And it was pointed that way?

11 A. Uh huh.

12 Q. And, then, where did you ...

13 A. I was coming like right here. I'm probably right here. I can actually  
14 see his car, the little red car.

15 Q. So, this is red?

16 A. Uh huh. I want to say it was a red car.

17 Q. Okay. And then, he was – where about – how far, estimate – I know  
18 you're not that good with distances, but like, was he by a – was he by his car?

19 A. No. By then, he was like at the rear end of his car walking toward  
20 the guards.

21 Q. So, he wasn't very far ...

22 A. Right. So, he must – right before I got there, he must've just got out  
23 of his vehicle.

24 Q. Okay. And as he walked towards the guards, you heard that. Did  
25 you hear him say anything?

26 A. I couldn't hear him. All I heard was the security guards and – well,  
27 you know, the yelling...

28 Q. Okay.

1 A. ... from the security.

2 Q. Was he walking fast, kind of pumping his arms? Or, what was he  
3 doing?

4 A. He was just walking, you know, like normal. I don't know – yeah,  
5 like normal. He wasn't like walking real fast. Like normal.

6 Q. Okay. Could you see his hands?

7 A. No. I couldn't see his hands.

8 Q. Do you know where he had his hands, or ...

9 A. Ughh. ...

10 Q. Or, if you don't know ...

11 A. I want to say they were probably on his, you know, like normal, on  
12 the side, you know, how ...

13 Q. Do you know for sure?

14 A. I don't know for sure, so ...

15 Q. Okay. And, as he's walking towards the guards, or the emergency  
16 lights, they're yelling. Do you know about how far he walked? Was it quite a ways or  
17 was it a short distance?

18 A. He got pretty close to them, but not too, too close, because they kept  
19 telling him to stop and he wasn't listening. And, they just started shooting.

20 Q. Okay.

21 A. So.

22 Q. But, I mean, were they like right up next to him, or were they way far  
23 back?

24 A. They were kind of like back ... back here.

25 Q. I mean, did he have to walk quite a ways, or was it just a short  
26 distance?

27 A. There was a short distance for him to walk, but he just – he wasn't  
28 listening.

1 Q. Okay.

2 A. So.

3 Q. Can you think of anything else that you saw – Were you the first car  
4 in the line, or were there any other cars in front of you, or ...

5 A. There was no other cars in front of me.

6 Q. Were there cars behind you?

7 A. There were cars behind me, because the lady that worked with me,  
8 she was in the second car behind me, so she saw it too. But, she rolled her window down.  
9 They were loud enough, I didn't have to put my window down. I was looking and I've  
10 never seen nothing like that. You know, you see it on TV but not in front of you like that.

11 Q. Was it scary?

12 A. I screamed when they shot him.

13 Q. Before that, was it scary?

14 A. Yes. Because I was sitting there like, oh, my God, I said – What did  
15 – you know, how did – I was trying to figure out how he got that far, because that's a nice  
16 little ways from the gate.

17 Q. Okay.

18 A. That's, you know ...

19 Q. So, it's not anybody that you recognized?

20 A. No.

21 Q. Didn't appear like he should be there?

22 A. No.

23 Q. Okay.

24 A. I said, you have all these big signs, *No Trespass*, and this and that, so  
25 it's like, you knew you were not supposed to be on this site, and you – you know, he still  
26 kept coming.

27 Q. Okay.

28 ///

1                   A.     Because they have those signs and they shine those big ole lights,  
2 look like headlights at night, that shine on those signs, so you can't miss them.

3                   Q.     Yeah, I haven't been out here at night.

4                   A.     Yeah. But, I'm just – those – they have lights, they look like  
5 headlights. You're thinking it's the police sitting right there waiting to clock you, or  
6 something, so, but, no, it's the lights.

7                   Q.     Okay. Anything else that – So, it was kind of unsettling even up  
8 until – even before the shooting?

9                   A.     No. I was fine, but when they shot him, I got a little bit, you know –  
10 that made my nerves a racked, on account of seeing he got shot.

11                  Q.     And then what happened?

12                  A.     And then after that, security, you know, they circled around his car,  
13 making sure, I guess, there was nobody else in there, or anything like that.

14                  Q.     Okay.

15                  A.     And, when they circled around his car, then they came to my car and  
16 said, you guys need to turn around and go back anther route to get back to base camp,  
17 basically, this is where they call base camp.

18                  Q.     Okay. Is it – so, there's another way that you went? You didn't  
19 drive past?

20                  A.     No, no, no. We had to go completely around and there was another  
21 side road just to get back here.

22                  Q.     So, when you heard the shots, what did – what happened with the  
23 guy? Did you see ...

24                  A.     He fell to the ground.

25                  Q.     Did you see anything else? Was anybody dealing with him, or ...

26                  A.     He fell to the ground and I don't – I don't recall. I just freaked out,  
27 to be honest with you, so, I'm pretty sure they checked to make sure, you know ...

28                  Q.     Did you see them ...

1 A. ... he was down. Huh?

2 Q. Did you see people around him, or checking him, or don't you  
3 know?

4 A. I seen the guards. They were standing – you know, a couple guards  
5 – there was quite a few guards out there.

6 Q. Okay.

7 A. So. And then a couple of them stayed there, and a couple of them  
8 went to his car to see if he had anything going on, or, you know, somebody, else was in  
9 the vehicle, because they had ...

10 Q. Okay. Do you have anything else?

11 BY WENDY REMMERS:

12 Q. You said there were cars behind you, but not in front of you, correct?

13 A. Right.

14 Q. Was there a lot, like ... I mean, I came out here a couple weeks ago  
15 and there was – We came out here about that time and there's a lot of people – it's a busy  
16 place.

17 A. Yeah. That was like, you know, at peak time, too, because, you  
18 know, we work until 5:30 but then people come out of buildings at like 5:15 and stuff,  
19 going to buses and everything else.

20 Q. Uh huh.

21 A. So. So, you take like, probably coming from the 4 Area, I want to  
22 say, wasn't that many, probably like six cars including mine, something ... It wasn't like a  
23 whole, whole bunch of cars. It's like five or six.

24 Q. Okay.

25 A. But, there was a truck, like, way in front of us, but I don't know how  
26 they got past all of the police and everything.

27 Q. Okay.

28 ///

1                   A. I don't think they had the road completely blocked at that point yet.  
2 So. But they were way ahead – they were ahead of me. As far as actually the incident, I  
3 was the first car to actually see him get shot and everything.

4                   Q. Uh huh.

5 BY MATT WHEN:

6                   Q. Anything else that you can think of that you can remember about  
7 what happened, or stands out to you? Anything we didn't ask you about?

8                   A. Not really. My nerves were just shot after, you know, I seen that.  
9 My nerves – I was frazzled. I was a little bit frazzled, but, you know, but ...

10                  Q. Looking back at it now, does it seem like it, like, took like a split  
11 second, or ...

12                  A. For him to ...

13                  Q. Yeah, like the whole thing?

14                  A. It just – it happened so quick. Like I said, they didn't have – usually  
15 when something's going on they at least try to block the roads, but it happened so quick,  
16 you just drove right into it. It was just like *[snapping noise]* everything happened so  
17 quick. But, he didn't listen. You could hear them yelling through the car.

18                  Q. Okay.

19                  A. You could actually hear them yelling. He did not stop.

20                  Q. Okay.

21                  A. So. Unfortunate, but, yeah, I'm just ... I just don't understand it.  
22 You have these big signs that's telling you you're trespassing and everything, and he just  
23 went on right through the gate, they said.

24                  Q. Do you think the officers, like, had – were fearful that something  
25 was going to happen to them, or – I mean, just the way it was all going down?

26                  A. They probably were. They probably were.

27                  Q. If you were one of the officers, how would you have felt.

28                  ///

1                   A. I would've been scared, because we don't have people that come  
2 here and do that all the time. You know, we don't have people – Yeah, they kind of  
3 follow the rules, you know. You don't want to get, you know, in trouble or arrested, but,  
4 yeah, you tell people turn around and people, you know they get lost, and so, you know,  
5 they come up here. The guard's like, yeah, you have to turn around, and they'll turn  
6 around and you know, whatever. But, not this one. You know, you don't get that too  
7 often out here.

8                   Q. Do you know how far it was from where the gate is to where that  
9 happened?

10                  A. They said it was about eight miles.

11                  Q. Okay. Is that pretty accurate?

12                  A. Yeah, they said about eight miles. He got in about eight miles from  
13 the gate.

14                  Q. Okay.

15                  A. Eight miles.

16                  Q. Okay. Anything else? All right. I'm going to go ahead and  
17 conclude the interview. It is 11:57 AM.

18 *End of interview*

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